

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
ANDERSON/GREENWOOD DIVISION

Jake B. Maynard, #386685,	)	
	)	Civil Action No. 8-06-350-CMC-BHH
Plaintiff,	)	
	)	
vs.	)	<b><u>REPORT AND RECOMMENDATION</u></b>
	)	<b><u>OF MAGISTRATE JUDGE</u></b>
J. Al Cannon, Sheriff Charleston	)	
County; Charleston County Detention	)	
Center; North Charleston Mayor K.	)	
Summey; City of North Charleston;	)	
Rodney Davis, Public Defender; Capt.	)	
Smith, CCDC; Charleston County South	)	
Carolina; and Charleston County	)	
Attorney,	)	
Defendants.	)	
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The plaintiff is proceeding in this action *pro se*. On June 26, 2006, the defendants filed a motion for summary judgment. On June 27, 2006, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the plaintiff elected not to respond to the motion.

As the plaintiff is proceeding *pro se*, the court filed a second order on August 16, 2006, giving the plaintiff through September 4, 2006, to file his response to the motion for summary judgment. The plaintiff was specifically advised that if he failed to respond, this action would be dismissed for failure to prosecute. The plaintiff elected not to respond.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that this action be dismissed for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure and the factors outlined in *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir.1982). See *Ballard v. Carlson*, 882 F.2d 93 (4th Cir. 1989), cert. denied, 493 U.S. 1084 (1990).

s/Bruce H. Hendricks  
United States Magistrate Judge

September 6, 2006.

Greenville, South Carolina.